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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,696	04/25/2000	Xiangxin Bi	N19.12-0035	8550

24113 7590 06/09/2003

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

EXAMINER	
GORDON, BRIAN R	

ART UNIT	PAPER NUMBER
1743	23

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/557,696	BI ET AL.	
	Examiner	Art Unit	
	Brian R. Gordon	1743	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *64-68*.

   Claim(s) objected to: *8,9,11,45-52,55 and 62*.

   Claim(s) rejected: *1-7,10,12-14,38-44,53,54,56-61 and 63*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: As to the amendment to claim 1, which added the phrase of "the second collector operably distinct from the first collecter." does not imply the limitations as suggested by applicant's remarks (page 13) that state this means that the collectors are in prallel rather than series. The specification on page 10, first full paragraph, teaches that the quanties of particles may be collected sequentially (in series) or parallel. As such, the arguments as stated by applicant are not commenseruate in scope with that of the specificattion. As to the arguments directed to the rejection of claims 38, 53, 54, 56-60, and 63, which state that the Marsh patent does not teach or suggest formation of a mixture of powders. Claim 38 states a method for producing a mixture of compositions not powders. The examiner hereby asserts that in order to produce the powders as taught by Marsh reactants (compostions) are combined in the drying chamber (see column 2, lines 45-60; column 3, lines). More specifically, it is taught that the admixing reactants comprising an organic solvent, at least one hydrolyzable metal compound, and a sufficient amount of water is supplied to the chamber (not only is the water used to cool the feedline, but it is essential in the hydrolsis of the admixture). Also column 5, lines 19 states the surfactants (compositions) may also be added to the admixture. As to the argument of the particles of Marsh remaining unchanged as recited in lines 33-37, this is directed to the size or diameter of the particles not the chemical composition of the particles. The examiner would also like to state that the method of claim 38 is broad in the sense of where a method of baking a cake or any other dish in which liquid ingredients are mixed in one container and dry ingredients mixed in a second container and then the two mixtures combined to form one composition would read on the claim. For reasons given herein and in the previous office action of paper no. 20, the rejections are hereby maintained. .

Jill Warden
Supervisory Patent Examiner
Technology Center 1700